

City of Clermont
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PLANNING AND ZONING COMMISSION
February 2, 2016

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The meeting of the Planning & Zoning Commission was called to order Tuesday February 2, 2016 at 6:30 p.m. by Chairman Nick Jones. Other members present were Carlos Solis, Herb Smith, Tony Hubbard, Cuqui Whitehead and Jack Martin. Also in attendance were Barbara Hollerand, Development Services Director, Curt Henschel, Planning Manager, John Kruse, Senior Planner, Dan Mantzaris, City Attorney, and Rae Chidlow, Planning Specialist.

MINUTES of the Planning and Zoning Commission meeting held January 5, 2015 were approved as written.

REPORTS

Chairman Jones stated that Florida Lake Symphony Orchestra will be performing at the Family Christian Center on February 19, 2016.

Commission Solis stated that in December his band won the Akademia Music Awards Best Jazz Album and they will be performing at the Wayne Densch Performing Art Center in Sanford on April 9, 2016.

1. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow a church facility in the UE Urban Estate zoning district, located at 2715 Old Highway 50.

APPLICANT: Michael Latham

Senior Planner Kruse presented the staff report as follows:

The owner, The Crossing Church, is requesting a conditional use permit for a church and associated ministry uses in the UE Urban Estate zoning district. The church acquired the property in 2010 with the expectations to one day build a multi-purpose facility to serve the congregation and community. The site is over 18 acres in size, with about one-third consisting of floodplain, wetlands, and open water body (Blacks Lake). The property was annexed into the city in 2013 along with a large scale comprehensive plan amendment and right-of-way vacation request. The property's future land use is Public Facilities/Institutional. These actions laid the ground work for the church to move forward in the future with a conditional use permit and site plan approval for the ministry when the time was right.

The church proposes to develop the facility in multiple phases. A master plan program identified the needs and desire of the church. The six phases outlined on the master plan consists of an initial assembly building (5,000 SF), multi-purpose building/recreational (12,000 SF), wedding pavilion (2,000 SF), administration office building (5,000 SF), sanctuary assembly (20,000 SF) and a cottage retreat (2,000 SF). The total square footage of all buildings on the site will not exceed 50,000 square feet. The buildings will be compliant with the City of Clermont's architectural guidelines. The facility will be served by city water and sewer, along with other city services. The project will go through the site plan review process.

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The overall facility will be used for the ministry purposes surrounding the church. These uses include, but are not limited to, worship, recreation, daycare, administrative office, and special retreats/programs. The church desires to create a campus that serves as a faith-based center of hope, life and joy for the community.

The church is consistent with the area as a whole and has previously received initial support through the future land use change to Public Facility/Institutional from the City. The church and its uses are allowable through a conditional use permit under the Urban Estate zoning and Public Facility/Institutional land use category. Therefore, staff recommends approval of this request based upon the information presented.

Chairman Jones stated that he was approached by the applicant to show him what they were planning. He stated that nothing was discussed that was outside of what was presented here.

Commissioner Solis stated that he visited with the applicant as well.

Commissioner Whitehead stated that she received a phone call but she declined to meet the applicant.

Michael Latham, 605 W. Montrose St., stated that he is here to represent the applicant.

Pastor Kendal Anderson, 12248 Lake Valley Dr., stated that they purchased this property about six years ago. He stated that they want to build a facility, along with a get-away cottage. He stated that they would like to see the facility used more than just on Sundays and Wednesdays.

Bob Peraza, 2322 Fenton Ave., asked if the church is tied to a specific domination.

City Attorney Mantzaris stated that the applicant can answer that question if he likes but it is irrelevant for the Commission.

Mr. Anderson stated that it's non-denominational and they have a partnership with several churches across the country.

Commissioner Whitehead stated that she likes that they are keeping the trees and the idea of the cottages.

Commissioner Whitehead moved to recommend approval of the conditional use permit; seconded by Commissioner Solis. The vote was unanimous to recommend approval.

2. REQUEST FOR CONDITIONAL USE PERMIT

REQUEST: To allow a school facility expansion in the R-3 Residential/Professional zoning district, located at 983 W. Desoto Street.

APPLICANT: Denise Pike

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Planning Manager Henschel presented the staff report as follows:

The applicant is requesting to amend a conditional use permit (Resolution No. 2010-17) to allow for the expansion of a school facility within the R-3 Residential/Professional Zoning District. School facilities are designated as requiring a conditional use permit within the R-3 Residential/Professional zoning district.

This expansion is for the Montessori school located at 983 W. Desoto Street.

In 2010 the applicant was approved for a 1,200 square foot addition, and a total of 50 students, but never constructed the addition within the two-year time limit.

The applicant is now requesting the same 1,200 square foot addition as previously approved and requesting an increase in the number of students from 50 to 65. This increase is intended to allow additional siblings to attend the school, not necessarily to add new families.

The expansion will also allow for much needed office space, storage space, and to allow for added classroom space. The applicant's staffing will remain the same at four, and the hours of operation will also remain the same, from 8:15 a.m. to 2:45 p.m., Monday through Friday.

Jan Sheldon, 17521 SR 19, Groveland, stated that they moved to this location in 2001. She stated that she loves being downtown because they can walk to several locations downtown. She stated that there will not be any additional traffic added initially because there are siblings waiting to attend the school.

Franklin Forth, 955 W. Desoto St., stated that his house is next door to the school. He stated that the City Council told the South Lake Montessori in 2010 they were allowed to be there. He stated that there are five schools and daycares so the amount of traffic is intensive. He stated that he can't get out of his driveway when he's leaving for work. He stated that the City Council said that the maximum students allowed was 50, yet they are now asking for 65 students. He stated that if this goes before the City Council and is approved, he will file a lawsuit.

Charlene Forth, 939 W. Desoto St., stated that five daycares and over 200 children are too intensive. She read from the 2010 conditional use permit application minutes that stated that the maximum number of students allowed is 50 students. She stated that traffic is bad throughout the day. She showed letters from neighbors submitted in 2010. She stated that there was to be no playground, but they do play outdoors. She stated that all she hears is screaming children. She showed other documents from 2001. She stated that no one is policing the facility. She showed documents from the Florida Department of Education showing the number of students enrolled. She stated that this is approved for a Montessori school; however it looks like a daycare. She showed where the conditional use permit from 2001 states a five-foot landscape buffer shall be provided. She has requested the variance that allows this. She stated that the addition is as big as

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her house. She showed a photo of a car that blocked her driveway during a yard sale. She presented a child care facility inspection checklist from 2006. She stated that this needs to stop.

Ms. Sheldon stated that when she first started, she did originally ask for 35 children because she only had the primary. She stated that she added the elementary in 2003 when she remodeled. She stated that when she came before the City Council in 2010, she was approved for 50 children. She stated that she doesn't know what the private school review is and is not sure where they are getting their numbers. She stated that there have been 14 no parking signs placed on Desoto Street so they can no longer have garage sales. She stated that the Montessori school and Magic Moments share their parking areas when there are school functions. She stated that most of their traffic is between 8:00 and 9:00 a.m., then a couple of cars at 11:30 a.m., and between 2:15 and 3:00 p.m. the majority of the children are picked up.

Chairman Jones asked what the history of complaints is from that community.

Mr. Henschel stated that other than what they heard tonight, staff has not heard of any other complaints. He stated that they did check into a formal approval from the Department of Health that states there are 25 female and 25 male students for a total of 50. He stated that he was not sure where the documents Ms. Forth presented come from, and staff has not seen them before.

Commissioner Solis asked if the Department of Health goes to the facility or is the report issued from the school.

Mr. Henschel stated that it is an inspection report that the Department of Health provides.

Commissioner Solis stated that he would not want to live next door, however he does not like to be talked at, he wants to be talked to. He stated that although Ms. Forth's information was useful, the way it was delivered, was horrendous. He stated that the neighbors have rights and he has to look at the whole picture.

Commissioner Smith stated that there are a lot of concerns about all the paperwork that was shown by Ms. Forth. He stated that he wishes they had all this information prior to the meeting.

Chairman Jones stated that this is R-3 Residential/Professional so the use is allowed with a conditional use permit.

Mr. Mantzaris stated that from staff's perspective they are required to treat this application as a new application. He stated that the information provided, although of interest, that shows history of the property pertains to a prior application. He stated that staff is obligated to present the new information. He stated that the Commission can consider all the information that is provided.

Commissioner Whitehead stated that the problem is there isn't just this one school in that location, there are four others. She stated that this is not their concern because they are only looking at the Montessori school application. She stated that all they can do is make a

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recommendation to the City Council. She stated that you can't blame the kids because they make noise. She stated that they need to look at this application, not all 200 kids.

Commissioner Hubbard stated that he is concerned that the previous amendment said they would not add any more students, but they are asking to add more students.

Mr. Mantzaris stated that he is not saying they shouldn't consider old information but this is a different application.

Commissioner Hubbard stated that it needs to stop somewhere, and they need to move if the site is too small.

Commissioner Martin asked if the City has verified if there are 200 children within a quarter of a block.

Mr. Henschel stated that he does not have the numbers for the other facilities.

Commissioner Martin asked why the recommendation for approval wasn't written in the staff report.

Chairman Jones stated that it is at the top of the staff report.

Commissioner Martin stated that although staff has to treat this as a new application, the neighbors have to live with the history.

Chairman Jones stated that as a Commission they need to make their decision based on what is best for the community as a whole and if they meet the requirements, not whether they will be sued. He asked how long the school has been at this location.

Mr. Henschel stated that the school has been there since 2001.

Commissioner Whitehead moved to recommend approval of the conditional use permit; Chairman Jones passed the gavel to Commissioner Martin and seconded the motion.

Commissioner Solis stated if he was a neighbor of the school he would probably have a problem. He stated that the Forths have been fighting for this property to not change. He stated that he needs to do what is best. He stated that he doesn't take kindly to threats and how he is talked to and that could have changed way he voted, but he needs to do what is best for the neighborhood.

Commissioner Whitehead asked if the school would stay as it is if this is not approved.

Mr. Mantzaris stated that this is a new application so if it is not approved, the school would be required to stay the same as it is.

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The motion fails with a vote of 2-4 to recommend approval, with Commissioners Solis, Smith, Hubbard, and Martin opposing.

Commissioner Martin moved to recommend denial of the conditional use permit; seconded by Commissioner Smith. The vote was 4-2 to recommend denial, with Chairman Jones and Commissioner Whitehead opposing.

Commissioner Whitehead stated that she was approached about an item on the agenda and although it is legal, she doesn't feel it's right. She has concerns that they may be persuaded to vote for an application, and she doesn't want to be approached.

Mr. Mantzaris stated that applicants are allowed to approach Commissioners provided that whoever is approached, states that at the meeting. He stated that you can refuse to speak to them if that is your choice.

There being no further business, the meeting was adjourned at 7:37 pm.

Nick Jones, Chairman

ATTEST:

Rae Chidlow – Planning Specialist